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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/036,721	03/06/1998	DON DELP	940-015	6296

7590 11/29/2001
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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 11/29/2001

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/036,721

Applicant(s)
Delp et al.

Examiner
Joy K. Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 27, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to original claim 1 have been considered but are moot in view of the new ground(s) of rejection for the newly added claims 2-21.

However, the Examiner has included the reference to Salazar et al., U.S. Patent No. 5,802,467 in the rejection outlined below for the new set of claims. Examiner maintains that Salazar meets some of the limitations as claimed in the new set of claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 2, 3, 15, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Salazar et al. ("Salazar"), U.S. Patent No. 5,802,467.

Regarding claim 2, Salazar discloses a system for providing an integrated building control and information system, said system comprising:

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a master control network (i.e., wireless communications, command, control and sensing system, see Fig. 2, #1) (col. 6, lines 52-67 to col. 7, lines 1-21);

at least one subsystem (i.e., external apparatus, e.g., intercom, alarm, TV, VCR, cable box, sound system, remote sensor) (col. 6, lines 31-37); and

a radio frequency (RF) communication system (i.e., for use with cellular base stations and other command and control signals in radio frequencies) (col. 25, lines 39-49);

wherein said subsystem receives and transmits data to said master control network via said RF communication system (col. 6, lines 31-37).

Regarding claim 3, Salazar discloses a system according to claim 2, wherein said master control network comprises:

a communication device (i.e., handset device 10 and base station 25) (col. 6, lines 30-37);

a central processing unit (i.e., microprocessor) (col. 6, 52-67 to col. 7, lines 1-13) ; and

an RF master device (i.e., for use with cellular base stations and other command and control signals in radio frequencies) (col. 25, lines 39-49);

wherein said central processing unit transmits information from said master RF device to said communication device, wherein said communication device, central processing unit, and said RF master device are electronically connected with said master control network, and wherein said RF master device receives said information from said subsystem (col. 22, lines 35-50 and col. 25, lines 39-49).

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Regarding claim 15, Salazar discloses a system according to claim 2, wherein each said subsystem comprises:

at least one module (i.e., external apparatus, e.g., intercom, alarm, TV, VCR, cable box, sound system, remote sensor) (col. 6, lines 31-37);

a data converter (col. 3, lines 61-67 to col. 4, lines 1-33); and

an RF satellite device (i.e., radio transceiver) (col. 3, lines 60-67);

wherein each said module collects data and transmits said data to said RF satellite device through said data converter for transmission to said master control network (col. 4, lines 18-33).

Regarding claim 18, Salazar discloses a system according to claim 2, wherein at least one said subsystem regulates lighting (col. 5, lines 24-27).

Regarding claim 19, Russ discloses a system according to claim 2, wherein at least one said subsystem regulates electricity usage (col. 4, lines 8-13 and lines 25-33).

4. Claims 2-5 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Russ et al. ("Russ"), U.S. Patent No. 6,061,604.

Regarding claim 2, Russ discloses a system for providing an integrated building control and information system, said system comprising:

a master control network (i.e., internal communications interface) (col. 3, lines 29-34);

at least one subsystem (i.e., appliance apparatus) (col. 2, lines 5-13); and

a radio frequency (RF) communication system (i.e., spread-spectrum using 900 MHz) (col. 3, lines 60-62);

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wherein said subsystem receives and transmits data to said master control network via said RF communication system (col. 3, lines 29-66).

Regarding claim 3, Russ discloses a system according to claim 2, wherein said master control network comprises:

a communication device (i.e., external communication interface);

a central processing unit (#102, Fig. 2); and

an RF master device (i.e., system controller #100, Fig. 2);

wherein said central processing unit transmits information from said master RF device to said communication device, wherein said communication device, central processing unit, and said RF master device are electronically connected with said master control network, and wherein said RF master device receives said information from said subsystem (col. 3, lines 22-62).

Regarding claim 4, Russ discloses a system according to claim 3, wherein said master control network further comprises:

a utility monitor (col. 2, lines 3-13); and

at least one utility node (i.e., appliance apparatus, subsystem); wherein said utility monitor controls said utility node, and wherein said utility node transmits information to said utility monitor (col. 2, lines 3-29).

Regarding claim 5, Russ discloses a system according to claim 3, wherein said subsystem comprises:

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an RF satellite device (col. 6, lines 44-67 to col. 7, lines 1-10); and
at least one utility node (col. 2, lines 3-29);
wherein said utility node detects utility information and transmits said utility information to said
satellite device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 18, Russ discloses a system according to claim 2, wherein at least one
said subsystem regulates lighting (col. 4, lines 8-13 and lines 25-33).

Regarding claim 19, Russ discloses a system according to claim 2, wherein at least one
said subsystem regulates electricity usage (col. 4, lines 8-13 and lines 25-33).

Regarding claim 20, Russ discloses the system according to claim 2, wherein at least
one said subsystem regulates environmental conditions (i.e., return air temperature) (col. 6, lines
58-67).

Regarding claim 21, Russ discloses a system according to claim 2, wherein at least one
said subsystem regulates air ventilation (col. 6, lines 52-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ, in view of Ehlers et al. ("Ehlers"), U.S. Patent No. 5,923,486.

Regarding claim 6, Russ discloses a system according to claim 5. Russ does not explicitly disclose the system wherein said subsystem comprises a vendor tracking system.

In a similar field of endeavor, Ehlers discloses the system wherein said subsystem comprises a vendor (i.e., supplier) tracking system (col. 3, lines 40-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 7, Russ discloses a system according to claim 6. Russ does not explicitly disclose a system, wherein said vendor tracking system comprises a monitor and at least one vendor tracking module.

In a similar field of endeavor, Ehlers discloses a system, wherein said vendor tracking system comprises a monitor and at least one vendor tracking module (col. 3, lines 40-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 8, Ehlers discloses a system according to claim 6. The primary reference, Russ further discloses the system, wherein said RF communication system comprises

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at least one master device and at least one satellite device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 9, Russ discloses a system according to claim 8, wherein said data is transmitted between said master device and said satellite device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 10, Ehlers discloses a system according to claim 6, wherein said system further comprises:

at least one vendor tracking module for collecting vendor tracking data and transmitting said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network (col. 3, lines 40-52 and col. 34, lines 63-67 to col. 35, lines 1-9).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 11, Ehlers discloses a system according to claim 6. The primary reference Russ further discloses the system, wherein said system further comprises:

at least one utility node (col. 2, lines 3-29); and

a utility monitor (col. 2, lines 3-13);

wherein said utility nodes detect utility information and transmit said information to said utility monitor and said central processing unit (col. 2, lines 3-29).

Regarding claim 12, Ehlers discloses a system according to claim 6. The primary reference Russ further discloses the system, wherein said subsystem comprises:

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an RF satellite device (col. 6, lines 44-67 to col. 7, lines 1-10); and

at least one utility node (col. 2, lines 3-29);

wherein said utility node detects utility information and transmits said utility information to said satellite device and wherein said satellite device transmits said information to said master device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 13, Ehlers discloses a system according to claim 6, wherein said vender tracking system comprises and operator interface terminal (see Fig. 1, #30 and col. 7, lines 1-10).

At the time of the invention it would have been obvious to combine the vendor tracking system having user interface with the user interface in Russ for the purpose of providing communications between a supplier and customer.

Regarding claim 14, Ehlers discloses a system to claim 6. The primary reference Russ discloses the system, wherein said system further comprises a plurality of said subsystems (col. 2, lines 3-29).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salazar, in view of Ehlers.

Regarding claim 16, Salazar discloses a system according to claim 2, wherein each said subsystem comprises:

a data converter (col. 3, lines 61-67 to col. 4, lines 1-33); and

an RF satellite device (i.e., radio transceiver) (col. 3, lines 60-67).

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However, Salazar does not explicitly disclose one vendor tracking module; wherein each said vendor tracking module collects vendor tracking data and transmits said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network.

In a similar field of endeavor, Ehlers discloses at least one vendor tracking module; wherein each said vendor tracking module collects vendor tracking data and transmits said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network (col. 3, lines 40-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 17, Salazar discloses a system according to claim 2, wherein said master control network comprises:

- a communication device (i.e., external communication interface);
- a data converter (col. 3, lines 61-67 to col. 4, lines 1-33);
- a central processing unit (#102, Fig. 2); and
- an RF master device (i.e., system controller #100, Fig. 2).

Salazar does not explicitly disclose at least one vendor tracking system module; wherein said control processing unit may receive information from each said vendor tracking system module, wherein said RF master device receives information from said subsystem and transmits

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said information through said data converter to said central processing unit for display via said communication device.

In a similar field of endeavor, Ehlers discloses at least one vendor tracking system module; wherein said control processing unit may receive information from each said vendor tracking system module, wherein said RF master device receives information from said subsystem and transmits said information through said data converter to said central processing unit for display via said communication device (col. 3, lines 40-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown, Jr. et al., U.S. Patent No. 5,761,083, discloses an energy management and home automation system.

Van Ryzin, U.S. Patent No. 6,127, 941, discloses remote control device with a graphic user interface.

Barrett, U.S. Patent No. 5,103, 391, discloses a control system for controlling environmental conditions in a closed building or other conditions.

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Humphries et al., U.S., Patent No. 5,621,662, discloses a home automation system.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K.Contee whose telephone number is (703) 308-0149.

The Examiner can normally be reached between 5:30 a.m. and 2:00 p.m., Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703)305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-4700

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:


(703) 872-9314, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington. VA., Sixth Floor (Receptionist).


Joy K. Contee

November 16, 2001


TRACY LEGREE
PRIMARY EXAMINER